

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ANTOLIN ANDREW MARKS,

12 Plaintiff,

13 v.

14 TOM GILES, *et al.*

15 Defendants.

No. 07-5572RJB/JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION
AND TO STAY CONSIDERATION OF
SUMMARY JUDGMENT

16
17 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned
18 Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate
19 Judges' Rules MJR 1, MJR 3, and MJR 4. Before the Court is Plaintiff's motion to reconsider a
20 prior ruling regarding discovery and stay consideration of a long pending motion for summary
21 judgment (Dkt. # 69).

22
23 Motions for reconsideration are disfavored. Local Rule 7 (h) states that ordinarily the
24 court will deny motions of this nature absent a showing of manifest error. Plaintiff has not
25 shown manifest error in the court's prior ruling, (Dkt. # 68), and the motion is **DENIED**.

1 Plaintiff also asks the court to stay consideration of defendant's motion for summary
2 judgment. The motion for summary judgment was filed July 22, 2009 and noted for August 14,
3 2009. The motion was continued until September 18, 2009 to allow Mr. Marks to file a response
4 after his motion to reopen discovery was denied (Dkt.# 68). The court stated:

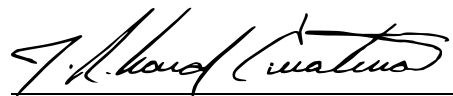
5 The motion to compel further discovery and stay consideration of the
6 pending Motion for Summary Judgment is DENIED.

7 To allow for a response, the Motion for Summary Judgment, (Dkt. # 60),
8 is renoted for September 18, 2009. Any response Mr. Marks wishes to file must
be filed and served on or before September 4, 2009. Any reply must be filed and
served on or before September 11, 2009.

9 (Dkt. # 68, page 4). Mr. Marks has not filed a response and the time for doing so has elapsed.
10 Further, a pending motion for reconsideration does not stay other proceedings in a case. See.
11 Local Rule 7 (h)(2). No response to the motion for summary judgment will be considered by the
12 court.
13

14 The Clerk is directed to send plaintiff a copy of this order and remove Dkt. # 69 from the
15 court's calendar.

16 DATED this 30th day of September, 2009.

17
18
19 

20 J. Richard Creatura
21 United States Magistrate Judge
22
23
24
25
26